

JUNE 6TH, 2025

CLERK OF THE COURT
U.S. COURT OF APPEALS 9TH CIRCUIT
95 SEVENTH STREET
SAN FRANCISCO, CA. 94103

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUN 13 2025

FILED
DOCKETED _____
DATE _____ INITIAL _____

RE: HENRY ALEXANDER TOWNSEND
U.S. COURT OF APPEALS 9TH CIRCUIT
CASE # 25-147

CLERK OF THE COURT:

CAN YOU PLEASE RE-FILE
THESE LEGAL DOCUMENTS WITH ALL
ASSOCIATED PARTIES; APPELLANTS REPLY BRIEF.
SEE FRD-R. App P. 31 AND 9TH CIR-R. 31-2.1. OPPOSING
COUNSEL'S BRIEF WAS FILED IN THIS MATTER;
JUNE 2ND, 2025. I MAILED THE FORGOING
DOCUMENT BY FIRST CLASS MAIL/POSTAGE PREPAID
WITHIN THE ALLOTTED TIME.

P.S.

OPPOSING COUNSEL
WITHHELD U.S. DISTRICT
COURT DOCUMENT #135;
[FINDINGS & RECOMMENDATIONS].
THE 9TH CIRCUIT ISSUED
AN ORDER; ORDERING OPPOSING
COUNSEL TO ATTACH ALL
EXHIBITS APPENDIXES.

SEMPER PARVUS
Henry Townsend
HENRY ALEXANDER TOWNSEND

CERTIFICATE OF SERVICE

I CERTIFY THAT ON JUNE 6TH, 2025; I SERVED THE FORGOING REPLY BRIEF, AND MEMORANDUM, UPON THE PARTIES HERETO BY THE METHOD INDICATED BELOW:

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PAGE 1 OF 1 - CERTIFICATE OF SERVICE

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Henry Alexander Townsend,
Appellant(s),

vs.

9th Cir. Case No. 25-147

District Court or

BAP Case No. 2:19-cv-01674-AB

Tracy Bowser, et al.,
Appellee(s).

APPELLANT'S INFORMAL REPLY BRIEF

(attach additional sheets as necessary, up to a total of 25 pages including this form)

For the optional reply brief in response to appellee's answering brief(s) only.

List each issue or argument raised in the answering brief to which you are replying. Do not repeat arguments from your opening brief or raise new arguments except in response to arguments made in the answering brief(s).

Issue/Argument Number 1

What is the first argument in the answering brief to which you are replying?

OPPOSING COUNSEL ALLEGES THAT THE JURY COULD REASONABLY CONCLUDE THAT DEFENDANTS LACKED A SUBJECTIVE AWARENESS OF HARM AND/OR IMMINENT DANGER TO APPELLANT WHICH IS FALSE AND/OR MISLEADING. THE ADMINISTRATIVE ERROR IS APPARENT AND/OR FLAGRANT ON THE FACE OF THE RECORD.

What is your reply to that argument?

THE JURY/COURT MUST HAVE OVERLOOKED AND THUS FAILED TO CONSIDER AN ASPECT OF THE LAW PRESENTED BY APPELLANTS TRAIL COUNSEL; JUAN CHAVEZ. DEFENDANTS, JONES, BOWSER, JACKSON, CHAMBERS-SMITH, AND AMSBERRY, ETC., HAVE A DUTY TO OVERSEE OPERATIONS AND TO BRIEF ONE THAT TAKES OVER MANAGEMENT. DEFENDANTS BREACH OF DUTY AND/OR FAILURE AND/OR REFUSAL TO ACT SET IN MOTION A SERIES OF EVENTS THAT TRIGGERED THE RICO VIOLATIONS; [18 U.S.C. § 1961-68]. PROTECTOR REPLIES ON THE ARGUMENT IN HIS REPLY BRIEF. ALSO SEE DOCUMENT #29.

9th Cir. Case No. 25-147**Issue/Argument Number 2**

What is the second argument in the answering brief to which you are replying?

OPPOSING COUNSEL'S SECOND ARGUMENT ALLEGES THAT THE JURY/COURT COULD REASONABLY CONCLUDE THAT DEFENDANTS TOOK REASONABLE MEASURES TO ENSURE APPELLANTS SAFETY FOLLOWING THE JANUARY AND MARCH ASSAULTS BY PLACING THEM ON AN ADMINISTRATIVE HOLD AFTER THE FACT.

What is your reply to that argument?

OPPOSING COUNSEL'S ARGUMENT IS FALSE/MISLEADING AND INCORRECT. INVESTIGATIVE REPORTS AND INFORMATION WAS PROVIDED TO THE ADMINISTRATIVE BODY OF IMMEDIATE DANGER TO APPELLANTS SAFETY PRIOR TO EACH ASSAULT. ADDITIONALLY, IT IS NOT APPELLANTS BURDEN TO INSTRUCT DEFENDANTS ON HOW TO FOLLOW PROTOCOL AND/OR POLICY.

Issue/Argument Number 3

What is the third argument in the answering brief to which you are replying?

OPPOSING COUNSEL ALLEGES THAT IT IS IMPOSSIBLE TO ENSURE THAT APPELLANT WAS SEPARATED FROM ALL MEMBERS OF ASSOCIATED WITH THE PRISONS WHICH IS INCORRECT.

What is your reply to that argument?

THERE ARE A LARGE NUMBER OF CRIMINAL ORGANIZATIONS (BLOODS, CREPS, GANGSTRA DISCIPLES, VEE LOANS, SURKINS, LATEX KINGS, ETC), THROUGHOUT THE FEDERAL/STATE PRISON SYSTEM THAT ARE SEGREGATED. IN ANY EVENT THE BURDEN IS ON DEFENDANTS TO PROVIDE SUITABLE AND APPROPRIATE HOUSING TO ALL PRISONERS. THE JURY/COURT WAS INCORRECT IN CONCLUDING THAT DEFENDANTS ARE NOT AT FAULT.

HARRY ALEXANDER TOWNSEND

Name

SED#14258900777 STATION BLVDONTARIO, OR. 97914

Address

Signature

Date

6-6-25

ISSUE / ARGUMENT NUMBER 4

WHAT IS THE FOURTH ARGUMENT IN THE ANSWERING BRIEF TO WHICH YOU ARE REPLYING?

OPPOSING COUNSEL FAILED TO PUT ON SUBSTANTIAL EVIDENCE TO SUPPORT A VERDICT IN THEIR FAVOR.

WHAT IS YOUR REPLY TO THAT ARGUMENT?

OPPOSING COUNSEL IS INCORRECT. THE COURT ERRORED IN DENYING APPELLANT RELIEF. THE RICO VIOLATIONS AND/OR MISCONDUCT ARE APPARENT ON THE FACE OF THE. THE COURT ERRORED IN DENYING APPELLANT'S FRD.P. CIV. P. 50(b) MOTION. APPELLANT HAS DEMONSTRATED THAT THE COURT HAS OVERLOOKED AND THUS FAILED TO CONSIDER AN ASPECT OF THE LAW PRESENTED IN HIS CASE.

ISSUE / ARGUMENT NUMBER 5

WHAT IS THE FIFTH ARGUMENT IN THE ANSWERING BRIEF TO WHICH YOU ARE REPLYING?

OPPOSING COUNSEL ALLEGES THAT HRD CLIENTS ARE NOT AT FAULT FOR THE CONSTITUTIONAL MISCONDUCT AND/OR VIOLATIONS PAPERED THROUGH THIS SUIT WHICH IS INCORRECT. APPELLANT HAS MET THE BURDEN OF PROOF; PLEASE SEE ALL FOUR CORNERS OF THE 42 U.S.C. § 1983 ACTION.

WHAT IS YOUR REPLY TO THAT ARGUMENT?

APPELLANT HAS PROVIDED THIS COURT WITH SUFFICIENT INFORMATION TO FORM A BELIEF AS TO THE TRUTH OF THE CLAIMS IN APPELLANT'S FIRST, AND SECOND AMENDED CIVIL RIGHTS COMPLAINT, AND THEREFORE APPELLANT DENIES OPPOSING COUNSEL'S ALLEGATIONS.

ISSUE/ARGUMENT NUMBER 6

WHAT IS THE SIXTH ARGUMENT IN THE ANSWERING BRIEF TO WHICH YOU ARE REPLYING?

OPPOSING COUNSEL ALLEGES THAT HER CLIENTS WERE NOT AWARE OF IMMINENT DANGER TO APPELLANT PRIOR TO THE ATTACKS WHICH IS FALSE.

WHAT IS YOUR REPLY TO THAT ARGUMENT?

EACH TIME HIGH ALERT/HIGH RISK PRISONERS ARE TRANSFERRED AND/OR ASSIGNED TO A HOUSING UNIT ALERT NOTIFICATIONS ARE TRANSMITTED ELECTRONICALLY TO SECURITY AND/OR THE ADMINISTRATIVE BODY AND PERSONAL OF THE INSTITUTION. WEEKLY MEETINGS ARE ALSO HELD TO BRIEF MANAGEMENT.

ISSUE/ARGUMENT NUMBER 7

WHAT IS THE SEVENTH ARGUMENT IN THE ANSWERING BRIEF TO WHICH YOU ARE REPLYING?

DEFENDANT ALLEGES THAT APPELLANT DID NOT EXHAUST HER ADMINISTRATIVE REMEDIES RELATED TO THE JANUARY 31ST, 2018; MARCH 3RD, 2018; AND JUNE 7TH, 2018 ASSAULTS.

WHAT IS YOUR REPLY TO THAT ARGUMENT?

FEDERAL JUDGE IMMIGRUT HELD A BENCH TRIAL TO DECIDE WHETHER PETITIONER-APPELLANT EXHAUSTED HER ADMINISTRATIVE; [BENCH TRIAL MEMO OF DECISION, ECF #314]. JUDGE IMMIGRUT GRANTED PETITIONER-APPELLANT'S MOTION FOR A DIRECTED VERDICT DURING TRIAL FINDING THAT DEFENDANTS DID NOT CARRY THEIR BURDEN OF SHOWING FAILURE TO EXHAUST; [PLEASE DOCUMENT #29, AND MEMO OF DECISION].

INTRODUCTION

PETITIONER - Appellant, HENRY ALEXANDER TOWNSEND, CURRENTLY INCARCERATED WITHIN THE OREGON DEPARTMENT OF CORRECTIONS ("ODOC") HOUSED AT SNARK RIVER CORRECTIONAL INSTITUTION ("S.R.C.I") IN OREGON, BROUGHT THIS 42 U.S.C. § 1983 ACTION AGAINST FORMER SUPERINTENDANT OF TWO RIVERS CORRECTIONAL INSTITUTION ("T.R.C.I") TROY BOWSER, OFFICE OF POPULATION MANAGEMENT INTERIM ADMINISTRATOR GREG JONES, FORMER ASSISTANT SUPERINTENDANT OF SECURITY FOR TWO RIVERS CORRECTIONAL INSTITUTION ("T.R.C.I") KEVIN JACKSON, FORMER SECURITY THREAT MANAGEMENT ("STM") LIEUTENANT NAJMA CHAMBERS-SMITH, AND SUPERINTENDANT OF EASTERN OREGON CORRECTIONAL INSTITUTION ("E.O.C.I") ANN AMSBERRY, ETC. PETITIONER - Appellant ALLEGES THAT DEFENDANTS - Appellants FAILED TO PROTECT HIM FROM IMMEDIATE DANGER OF BEING ASSAULTED BY MEMBERS ASSOCIATED WITH THE CRIMINAL ORGANIZATION KNOWN AS "THE PAISAS" ON JANUARY 31ST, 2018; MARCH 3RD, 2018; AND JUNE 7TH, 2018, ETC.

PROCEDURAL HISTORY

PETITIONER - Appellant FILED HIS INITIAL COMPLAINT ON OCTOBER 15TH, 2019, ON SEPTEMBER 17TH, 2020; DEFENDANTS - Appellants FILED THEIR MOTION FOR SUMMARY JUDGMENT IN WHICH PETITIONER -

PAGE 5 OF 25 - Appellants REPLY BRIEF

Appellant DEFRATED, [RCF #135] FINDING AND RECOMMENDATION. IN FEBRUARY 2024; A PRLA EXHAUSTION BRIEF TRIAL WAS CONDUCTED BEFORE FEDERAL JUDGE; KAREN IMMIGUT. THE COURT FOUND THAT PETITIONER-Appellant SATISFIED THE PRLA EXHAUSTION REQUIREMENTS BY SEEKING RELIEF FIRST FROM THE ADMINISTRATIVE BODY; [PENAL SER PACER]. THIS CASE WAS TRIED; NOVEMBER 5TH, 2024.

LAKE OF THE CASE

PETITIONER-Appellant, HARRY ALEXANDER TOWNSEND, HAS THE BURDEN OF PROVING THAT THE ALLEGED FAILURES TO ACT BY DEFENDANTS - Appellants DEPRIVED HIM OF PARTICULAR RIGHTS UNDER THE UNITED STATES CONSTITUTION. IN THIS CASE, PETITIONER-Appellant HAS SHOWN THAT THE DEFENDANTS - Appellants, THE SECURITY DEPARTMENT OF THE PRISON, ALONG WITH THE OREGON DEPARTMENT OF CORRECTIONS ("ODOC") WERE "THE MOVING FORCE" BEHIND THE HARM SUFFERED BY PETITIONER-Appellant. COURTS HAVE LONG PERMITTED LITIGANTS TO HOLD SUPERVISORS INDIVIDUALLY LIABLE IN § 1983 SUITS WHEN A CULPABLE ACTION, OR INACTION, IS DIRECTLY ATTRIBUTED TO THEM. LITIGANTS HAVE NEVER BEEN REQUIRED TO ALLEGED THAT A SUPERVISOR WAS PHYSICALLY PRESENT WHEN THE INJURY OCCURRED. IN LARZ V. CITY OF LOS ANGELES, 946 F.2d 630 (9TH CIR. 1991), THE COURT EXPLAINS THAT TO BE HELD LIABLE, THE SUPERVISOR

WERE NOT BE "DIRECTLY" AND PERSONALLY INVOLVED
 IN THE SAME WAY AS ARE THE INDIVIDUAL
 OFFICERS WHO ARE ON THE SCENE INFLECTING
 THE CONSTITUTIONAL INJURY." *Id.* AT 645.
 FURTHER, THE SUPERVISORS PARTICIPATION COULD
 INCLUDE ITS AND/OR HER CULPABLE ACTION
 OR INACTION IN THE TRAINING, SUPERVISION, OR
 CONTROL OF THEIR SUBORDINATES; "THEIR
 ACQUIESCENCE IN THE CONSTITUTIONAL
 DEPRIVATIONS OF WHICH THE COMPLAINT IS
 MADE;" OR "CONDUCT THAT SHOWED A RECKLESS
 OR CALLOUS INDIFFERENCE TO THE RIGHTS
 OF OTHERS. *SEE MOORELL V. DEPARTMENT OF
 SOCIAL SERVICES OF CITY OF NEW YORK*,
 436 U.S. 658, 98 S. CT. 2018, 56 L. RD 2d
 611 (1978) (HOLDING THAT SUPERVISORY PERSONAL
 ARE LIABLE UNDER § 1983 ONLY IF THEY HAVE
 "SOME" PERSONAL ROLE IN CAUSING THE ALLEGED
 HARMS OR WERE RESPONSIBLE FOR "SOME" CUSTOMS OR
 PRACTICES WHICH RESULTED IN THE VIOLATION).
 PETITIONER - APPELLANT ALSO CITES; *STARR V. BACA*,
 652 F.3d 1202, 1207 (9TH CIR. 2011), *FARMER V.
 BRUNNEN*, 511 U.S. 825, 114 S. CT 1970, 128 L.
 RD 565, 568 (9TH CIR. 1997). DEFENDANT - APPELLATE
 ("STAN") LIEUTENANT NAEMA CHAMBERS - SMITH,
 TESTIFIES DURING APPELLANT'S TRIAL THAT A
 COMMITTEE THAT IS COMPOSED OF HERSELF, THE
 OFFICER OF POPULATION MANAGEMENT, A
 REPRESENTATIVE OF THE INSTITUTION, ETC.,
 EVALUATES AND MANAGES POPULATION; (TRIAL
 TRANSCRIPTS PAGE 441-474). DEFENDANT'S TESTIMONY
 VERIFIES THAT THE ADMINISTRATIVE BODY, THE
 PAGE 7 OF 25 - APPELLANT'S REPLY BRIEF

SECURITY DEPARTMENT, SUPERVISORS, DEFENDANTS-APPELLERS, ETC; KNOWN OR SHOULD HAVE KNOWN OF IMMEDIATE DANGER TO APPELLANT; HARRY ALEXANDER TOWNSEND. WITNESS; LAMIA MOORE, WHO IS A SERGEANT AT TWO BEARS CORRECTIONAL INSTITUTION ("TRCI") ALSO TESTIFIED DURING PETITIONER - APPELLANT'S TRIAL THAT THE ADMINISTRATIVE BODY/SECURITY ALONG WITH "ANYONE" IN LAW ENFORCEMENT HAD ACCESS TO THE SUSPECT SECURITY THREAT SYSTEM WHICH VERIFIED IMMEDIATE DANGER TO PETITIONER-APPELLANT; (TRIAL TRANSCRIPT PAGE 190-198). THE NUMEROUS ERRORS IN CLASSIFICATION IN WHICH THE RECORD REFLECTS VERIFIES THAT THE ADMINISTRATIVE BODY; (SUPERVISORS / PRISON STAFF, SECURITY, DEFENDANTS-APPELLERS, ETC), COMPLETED THE IETS AND/OR ABANDONED THEIR POSTS. THE ARMY RIGHT DEFENDANTS-APPELLERS ALONG WITH THEIR DOMESTIC PARTNERS WERE THE MOVING FORCE BEHIND THE CONSTITUTIONAL VIOLATIONS WHICH LEAD TO APPELLANT BEING ATTACKED THREE CONSECUTIVE TIMES BY MEMBERS ASSOCIATED WITH THE CRIMINAL ORGANIZATION KNOWN AS "THE PATSAS" ON JANUARY 31ST, 2018; MARCH 3RD, 2018; AND JUNE 7TH, 2018. AN INMATE HAS A RIGHT TO BE INCARCERATED IN A REASONABLY SAFE ENVIRONMENT. THIS RIGHT INCLUDES BEING PROTECTED FROM CONSTANT THREAT OF ASSAULT FROM OTHER INMATES; *Hopton v. Ray*, 682 F.2d at 1250; *Ramos v. Lamm*,

639. F.2d 559, 572 (10th Cir. 1980); STECKNEY v. LEST, 519 F. Supp. 617 (D.N.M., 1982). DEFENDANTS-APPELLANTS WERE MADE AWARE OF THE CONFLICT IN 2017; (PETITIONER-APPELLANTS EMERGENCY TRANSFER OUT OF T.R.C.I.). PLEASE SEE DOCUMENT #29 (PAGE 4); ALL FOUR CORNERS THE SECURITY THREAT DATA BASE ALSO VERIFIES THAT DEFENDANTS-APPELLANTS WERE MADE AWARE OF THE IMMEDIATE DANGER TO PETITIONER-APPELLANT ON JANUARY 30TH, 2018. INFORMATION WAS PROVIDED THAT PETITIONER-APPELLANT WOULD NOT BE SAFE IN UNIT 6 AT TWO BERRS CORRECTIONAL INSTITUTION ("T.R.C.I."). ON JANUARY 31ST, 2018; PETITIONER-APPELLANT WAS UNILATERALLY ASSAULTED BY MEMBERS OF THE CRIMINAL ORGANIZATION "PAISAS". THE VIDEO FOOTAGE SUBMITTED TO THE COURT VERIFIES AND/OR REFLECTS THAT APPELLANT WAS NOT THE INVESTIGATOR AND/OR AGGRESSOR IN ANY OF THE ASSAULTS; PLEASE SEE FEDERAL JUDGE MARK CLARKS, FINDINGS AND RECOMMENDATION [RCF #135]. IN ADDITION THERE WAS NO VERBAL COMMUNICATION BETWEEN PETITIONER-APPELLANT AND THE ASSAILANTS PRIOR TO ANY OF THE ATTACKS; [PLEASE SEE VIDEO FOOTAGE]. AFTER PETITIONER-APPELLANT WAS ASSAULTED ON JANUARY 31ST, 2018; THE THREAT IMMEDIATELY SHOULD HAVE BECOME OBVIOUS TO SECURITY/POPULATION MANAGEMENT, ETC. AFTER BEING PLACED IN AD-SRG (ADMINISTRATIVE SEGREGATION) FOR MOST OF THE MONTH OF FEBRUARY 2018; INSTEAD OF PLACING APPELLANT IN A SAFER ENVIRONMENT HE WAS PLACED BACK

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INTO UNIT 6 WHEN ONCE AGAIN HE WAS ASSAULTED BY MEMBERS OF THE SAME CRIMINAL ENTITY; "THE PADSAS". IF ONE ASSAULT FROM THE CRIMINAL ORGANIZATION ON UNIT 6 WAS NOT ENOUGH TO INFORM THE DEFENDANTS THAT PETITIONER - Appellant SHOULD NOT BE PLACED BACK INTO THAT UNIT; UNIT 6 AT TWO RIVERS CORRECTIONAL INSTITUTION (TRCI) THE SECOND ASSAULT ON MARCH 3RD, 2018; SHOULD HAVE BEEN. INSTEAD, DEFENDANTS FAILED TO PROTECT Appellant ONCE MORE BY PLACING HIM BACK INTO UNIT 6 AT TWO RIVERS CORRECTIONAL INSTITUTION ("TRCI") ON JUNE 7TH, 2018, AND Appellant WAS ASSAULTED AGAIN. DEFENDANTS - Appellants TRIED TO ARGUE THAT Appellant IS AT FAULT FOR THE ASSAULTS HE SUFFERED WHICH IS INCORRECT. THE U.S. DISTRICT COURT ISSUED AN ORDER AND/OR FINDING STATING THAT PETITIONER - Appellant WAS NOT THE AGGRESSOR; (PLEASE SEE PACER REF # 135). IN ANY EVENT COMPARATIVE FAULT IS NOT AVAILABLE AS A DEFENSE IN 42 U.S.C. § 1983 RIGHTS REMEDY CASES. McHUGH V. OLYMPIA ENTMTY, INC., 37 F. App'x 730, 736 N. 4 (6TH CIR. 2002) ("TO APPLY COMPARATIVE FAULT STATUTES IN CIVIL RIGHTS ACTIONS WOULD RESULT IN THE PROTECTION AFFORDED UNDER § 1983 TO DIFFER FROM STATE TO STATE

PAGE 10 OF 25 - Appellants Reply Brief

AND WOULD BE INCONSISTENT WITH THE UNDERLYING POLICY OF DETERRANCE AND COMPENSATION"); SEE ALSO *QUIZADA V. CITY OF BERNALILLO*, 944 F.2d 710, 721 (10TH CIR. 1991), ABROGATED ON OTHER GROUNDS AS PRECEDED IN *STUART V. JACKSON*, 24 F. App'x 943, 954 N.5 (10TH CIR. 2001) (SAME); *MILLER V. SCHMETZ*, 2013 WL 5754945, AT * 5 (R.D. CAL. OCT. 23, 2013) (SAME); *HURLEY V. HORIZON PROJECT, INC.*, 2009 WL 5511205, AT * 10 (D. OR. DEC. 3, 2009) (ASSIGNING SOME PERCENTAGE OF FAULT TO [AN ABSENT THIRD PARTY]) WOULD VIOLATE BOTH THE COMPENSATION AND DETERRANCE POLICIES UNDER 'S 1983"). FURTHER MORE, THE DUTY FOR KEEPING PETITIONER-APPELLANT SAFE WAS ON DEFENDANT, NOT PETITIONER. DEFENDANTS ARE REQUIRED UNDER THE CONSTITUTION TO TAKE REASONABLE MEASURES TO GUARANTEE THE SAFETY OF INMATES." *FARMER V. BRENNAN*, 511 U.S. 825, 832 (1994). DEFENDANTS WERE UNREASONABLE IN PLACING PETITIONER-APPELLANT BACK INTO UNIT 6 AT TWO PUNIS CORRECTIONAL INSTITUTION ("T-PCI") TWICE AFTER BRING ASSAULTS THE FIRST TIME. PETITIONER-APPELLANT MAINTAINS THAT EACH OF THE ASSAULTS WERE INITIATED BY THE GANG MEMBERS ASSOCIATED WITH THE CRIMINAL ORGANIZATION "PAISAS". THE OUTRAGEOUS MISCONDUCT BY PAGE 11 OF 25 - APPELLANT'S REPLY BRIEF

DEFENDANTS IN WHICH THE RECORD REFLECTS
 VIOLATES THE FEDERAL RICO ACT; [18 U.S.C.
 § 1961-68]. THE LEGAL FRAUD/DILIBERATE DECEPTION
 TO ELUDE LIABILITY AND MISLEAD THE COURT
 ALONG WITH OTHER RICO VIOLATIONS BY
 OPPOSING COUNSEL AND DEFENDANTS - APPELLERS
 ARE OBVIOUS ON THE FACE OF THE RECORD.
 DEFENDANTS - APPELLERS, THE SECURITY DEPARTMENT,
 THE SUPERINTENDANTS OF THE INSTITUTION, AND
 THEIR SUBORDINATE OFFICERS AND ALL PRISON
 OFFICIALS HAVE A PROFESSIONAL DUTY AND
 OBLIGATION TO BRIEF MANAGEMENT ON HIGH
 ALERT/HIGH RISK PRISONERS AND TO VET AND/OR
 SCREEN ALL PRISONERS PRIOR TO PLACING
 THEM INTO GENERAL POPULATION. THE
 BREAK DOWN IN CLASSIFICATION AND/OR REFUSAL
 TO ACT CONSTITUTES DELIBERATE INDIFFERENCE.
 THROUGH THEIR OUTRAGEOUS MISCONDUCT DEFENDANTS -
 APPELLERS HAVE CREATED A TOXIC ENVIRONMENT
 IN WHICH NEGLIGENCE IS UNACCEPTABLY
 LIKELY. THE BURDEN OF PROOF FOR APPELLANT
 TO PREVAIL IN THIS 42 U.S.C. § 1983 HAS
 BEEN MET. IN 2018; FOR THE MONTH OF
 JANUARY APPELLANT WAS PLACED IN ADMINISTRATIVE
 SEGREGATION AT TWO PRISONS CORRECTIONAL
 INSTITUTION ("T.R.C.I") ON AN INVOLUNTARY
 HOLD BY DEFENDANTS AFTER BEING UNILATERALLY
 ATTACKED IN THE CORRIDOR AT ("T.R.C.I")

WITH A WRAPON; (AN INMATE MAY BE INVOLUNTARILY PLACED IN ADMINISTRATIVE SEGREGATION OR PROTECTIVE CUSTODY FOR A PERIOD NOT TO EXCEED 30 DAYS BY ORDER OF THE FUNCTIONAL UNIT MANAGER OR DESIGNER "ONLY" WHEN HE/SHE HAS SUFFICIENT REASON TO BELIEVE IMMEDIATE ASSIGNMENT IS NECESSARY TO PROTECT THE SAFETY, SECURITY, AND ORDERLY OPERATION OF THE FACILITY); OAR 291-046-0010 (2). PLEASE SEE EXHIBITS; NAMELY THE REFERRAL REQUESTING APPELLANT BE PLACED (INVOLUNTARILY PLACED) IN ADMINISTRATIVE SEGREGATION SEGREGATED BY DEFENDANTS WHICH REQUIRES VERIFIED CONFLICT AND/OR IMMEDIATE DANGER TO A PRISONER'S HEALTH & SAFETY. DEFENDANTS-APPELLERS HAD SUFFICIENT INFORMATION AND/OR KNOWLEDGE AS TO THE TRUTH OF THE CLAIMS PREPARED THROUGHOUT THIS 42 U.S.C. § 1983. DEFENDANTS-APPELLERS FAILURE AND/OR REFUSAL TO FOLLOW PROTOCOL BEFORE AND AFTER; JANUARY 31ST, 2018, HAD WITH PETITIONER-APPELLANT BEING ATTACKED THREE CONSECUTIVE TIMES SUBJECTING HIM TO PHYSICAL/MENTAL ABUSE, WRONGFUL IMPRISONMENT IN SOLITARY CONFINEMENT, ETC. DEFENDANT-APPELLERS HAVE A DUTY TO BRIEF

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MANAGEMENT OF PRISON VIOLENCE. FEDERAL JUDGE; Amy BAGGIO, REPORTED IN DRUGING PETITIONER - Appellants FED. R. CIV. P., 50 (b) MOTION. A JURY CANNOT DECIDE QUESTIONS OF LAW WHICH ARE RESERVED FOR THE COURT. OPPOSING COUNSEL FOR DEFENDANTS - Appellants HAS NO LEGALLY SUFFICIENT EVIDENTIARY FOUNDATION ON WHICH A REASONABLE JUDGE AND/OR JURY COULD FIND FOR DEFENDANTS, AND AS A MATTER OF LAW PETITIONER IS ENTITLED TO THE RELIEF REQUESTED. DEFENDANTS - Appellants DEFENSE IS FRUIT OF GOVERNMENTAL TRICKERY AND/OR PERSUASION WHICH IS INADMISSIBLE. ENTRAPMENT IS AN AFFIRMATIVE DEFENSE WHICH EXCUSES A PERSON FROM LIABILITY. OPPOSING COUNSEL AND DEFENDANTS - Appellants LEGAL FRAUD/RICO VIOLATIONS ARE A MOCKERY OF THE JUDICIAL SYSTEM. DEFENDANTS - Appellants CONTINUE TO WITHHOLD THE VIDEO FOOTAGE FROM THE UNILATERAL ASSAULT TO Appellant WHICH OCCURRED; JANUARY 31ST, 2018, ALONG WITH REPORTS/EVIDENCE VERIFYING Appellant EXHAUSTED THE PLRA EXHAUSTION REQUIREMENTS AS TO DEFENDANT; AMISBERRY, DESPITE Appellants MULTIPLE REQUESTS FOR THE DISCLOSURE OF DISCOVERY PURSUANT TO FED. R. CIV. P., 26 (2) (3), AND FED. R. CIV. P., 35 (2). DESPITE THE PAGE 14 OF 25 - Appellant Reply Brief

DOCUMENTED CONFLICT IN THE SUSPECT SECURITY
 THREAT INTELLIGENCE SYSTEM BETWEEN
 APPELLANT AND THE CRIMINAL ORGANIZATION
 "PAISAS" SUPERINTENDANT; ANN BRIGITTE
 AMSBERRY, PARTICIPATED AND/OR AUTHORIZED
 PETITIONER-APPELLANTS TRANSFER BACK TO
 TWO RIVERS CORRECTIONAL INSTITUTION ("T.R.C.I.")
 ON JANUARY 30TH, 2018; [PLEASE DOCT# 29]. THE NEXT DAY;
 (JANUARY 31ST, 2018), APPELLANT WAS
 UNILATERALLY ASSAULTED. DEFENDANT; ANN
 BRIGITTE AMSBERRY, KNOWN OR SHOULD HAVE
 KNOWN OF IMMEDIATE DANGER TO APPELLANT
 PRIOR TO HIS EMERGENCY TRANSFER BACK TO
 ("T.R.C.I."). THE DEFENDANTS IN THIS CASE
 TESTIFIED THAT "ALL" PRISONERS MUST BE THOROUGHLY
 SCREENED PRIOR TO PRISON TO PRISON TRANSFERS;
 (PLEASE SEE TRIAL TRANSCRIPT, PAGE 235 LINE 21-25). U.S.
 CHIEF OF NARCOTICS SCOTT KAHN, THE D.E.A.
 A.T.F., THE ORIGINAL ORGANIZED CRIME TASK
 FORCE, FEDERAL JUDGE MICHAEL J. McSTAKE,
 FEDERAL JUDGE ANN L. AIKEN, ETC., HAVE
 ALL BEEN MONITORING APPELLANT THROUGHOUT
 HIS INCARCERATION. OUTSIDE LAW ENFORCEMENT
 ALSO PLAYED A ROLE IN THE RICO VIOLATIONS
 PAPERED THROUGHOUT THIS 42 U.S.C. 1983.
 THE FEDERAL/STATE GOVERNMENT ALONG WITH
 DEFENDANTS HAVE AND CONTINUE TO INAPPROPRIATELY
 WITHHOLD EXCULPATORY EVIDENCE VITAL TO THIS APPEAL

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IN AN ATTEMPT TO CONCEAL THE COLLUSION, THE CONTINUAL COURSE OF OUTRAGEOUS MISCONDUCT VIOLATING THE RICO ACT HAS AND CONTINUES TO SUBJECT PETITIONER - Appellant TO ILLEGAL/WRONGFUL CONFINEMENT IN SOLITARY CONFINEMENT WITHOUT MEANINGFUL REVIEW; PLEASE SEE *BROWN V. OR. DEP'T CORR.*, 751 F.3d 983, 985 (9TH CIR. 2014) (FINDING A PRISONERS 27 MONTH PLACEMENT IN "INTRUSIVE" SOLITARY SEPARATION "WITH NO MEANINGFUL REVIEW" IMPLIES A PROTECTED LIBERTY INTEREST TO SUPPORT A DUE PROCESS CLAIM). PETITIONER-Appellants ILLEGAL/WRONGFUL CONFINEMENT IN "INTRUSIVE" SOLITARY SEPARATION "WITH NO MEANINGFUL REVIEW" HAS AND CONTINUES TO IMPOSE ATYPICAL AND SIGNIFICANT HARDSHIP ON Appellants IN RELATION TO THE ORDINARY INCIDENT OF PRISON LIFE. OAR 291-046-0090(1) PROVIDES; INMATES ASSIGNED TO ADMINISTRATIVE HOUSING SHALL REMAIN SO ASSIGNED FOR ONLY THE SHORTEST LENGTH OF TIME NECESSARY TO ATTAIN THE PURPOSE FOR WHICH THE ASSIGNMENT WAS PRESCRIBED. Appellant ALSO CONTENDS THAT DEFENDANTS - Appellants INCARCERATED HIM IN AN ENVIRONMENT SO VIOLENT THAT IT VIOLATES OR. REV. STAT. §§ 421.016(4); WHICH PROVIDES IN PERTINENT PART: "THE SUPERINTENDANTS (2) SHALL KEEP ALL INMATES SAFELY, ACCORDING TO THE LAW AND RULES OF THE CORRECTIONAL DIVISION".

THE EIGHTH AMENDMENT ALSO PROVIDES IN FULL:
 "EXCESSIVE BAIL SHALL NOT BE REQUIRED,
 NOR EXCESSIVE FINES IMPOSED, NOR CRUEL
 AND UNUSUAL PUNISHMENT INFLICTED. TO
 ESTABLISH THE REQUISITE CAUSAL CONNECTION
 IN THE ABSENCE OF PERSONAL INVOLVEMENT,
 A PLAINTIFF MUST SHOW THAT THE SUPERVISOR
 SET IN MOTION A SERIES OF ACTS BY
 OTHERS, OR KNOWINGLY REFUSED TO TERMINATE
 A SERIES OF ACTS BY OTHERS, WHICH THE
 SUPERVISORS KNEW OR REASONABLY SHOULD HAVE
 KNOWN WOULD CAUSE OTHERS TO INFLICT A
 CONSTITUTIONAL INJURY. DUBNER V. CITY &
 COUNTY OF S.F., 266 F.3d 959, 968 (9TH CIR.
 2001); LARZ V. CITY OF L.A., 946 F.2d 630,
 646 (9TH CIR. 1991). Appellant ALLEGES SUFFICIENT
 FACTS TO PLAUSIBLY ESTABLISH THE DEFENDANTS'
 'KNOWLEDGE OF AND ACQUIESCENCE IN' THE
 UNCONSTITUTIONAL CONDUCT OF HIS SUBORDINATES.
 HYDRECK V. HUNTER, 669 F.3d 937, 942 (9TH
 CIR. 2012) (QUOTING STARR, 652 F.3d AT
 1206-07). Appellants INJURY WAS INSTIGATED
 BY DEFENDANTS-APPELLERS. THE 8TH AMENDMENT
 PROTECTS INMATES FROM AN INJURY IN
 WHICH DEGRADATION IS PROBABLE AND SELF
 IMPROVEMENT UNLIKELY BECAUSE OF CONDITIONS
 THAT INFLICT NEEDLESS PHYSICAL OR MENTAL
 PAIN 17 OF 25 - Appellants REPLY BRIEF

SUFFERING; *BATTER V. ANDERSON*, 564 F.2d 388, 393 (10TH CIR. 1977). AN INMATE HAS A RIGHT TO BE INCARCERATED IN A REASONABLY SAFE ENVIRONMENT. THIS RIGHT INCLUDES BEING PROTECTED FROM CONSTANT THREAT OF ASSAULTS FROM OTHER INMATES; *Hoptowit V. RAY*, 682 F.2d AT 1250; *RAMOS V. LAMM*, 639 F.2d 559, 572 (10TH CIR. 1980); *STOCKLEY V. LEST*, 519 F. Supp. 617 (D. Nev 1982). THIS COURT SHOULD DEFER TO THE BRANCH OF POLICE BY DEFENDANTS - APPELLANTS AT ALL PRESENT TIMES TO THIS 42 U.S.C. 1983 AND ORDER A REMEDY CONSISTANT WITH THE CONSTITUTION. THE LEVEL OF MISCONDUCT AND/OR CONSTITUTIONAL VIOLATIONS ON RECORD WARRANTS THE INFERENCE THAT THE STATE IS DELIBERATELY INDIFFERENT TO PETITIONER-APPELLANTS SAFETY. ADDITIONALLY, IT IS NOT APPELLANTS DUTY TO INSTRUCT AND/OR INFORM DEFENDANTS ON HOW TO FOLLOW POLICY AND/OR OBEY THE CONSTITUTION; (DEFENDANTS HAVE AN OATH OF OFFICE TO OBEY). DEFENDANTS DID NOT TAKE REASONABLE STEPS TO PROTECT APPELLANT FROM BEING ASSAULTED BY THE CRIMINAL ORGANIZATION "P.I.S.K.S" ON JANUARY 31ST, 2018; MARCH 3RD, 2018; OR JUNE 7TH, 2018; AND AS A DIRECT RESULT OF DEFENDANTS OUTRAGEOUS MISCONDUCT WHICH HAS CREATED A TOXIC ENVIRONMENT NO SUITABLE AND/OR APPROPRIATE HOUSING EXISTS FOR PETITIONER-APPELLANT ANYWHERE IN THE ORIGIN

DEPARTMENT OF CORRECTIONS. OAR 291-039-0025
 (4)(2), GOVERNS EMERGENCY TRANSFERS OUT OF
 STATE UNDER CERTAIN PROCEDURES. THE
 RECORD OF CONSTITUTIONAL VIOLATIONS
 ALLOWS THE COURT TO GO BEYOND THE
 NORMAL STANDARDS TO IMPLEMENT A REMEDY;
 SEE *HUTTO V. FINLEY*, 437 U.S. 678, 678, 98
 S. CT. 2566, 2571, 57 L.ED. 2d 522 (1978).
 WHEN A COURT CONSIDERS WHETHER TO GRANT
 PRELIMINARY INJUNCTION IT BALANCES "THE
 COMPETING CLAIMS OF INJURY, THE EFFECT
 ON EACH PARTY OF THE GRANTING OR WITHHOLDING
 OF THE REQUESTED RELIEF, THE PUBLIC
 CONSEQUENCES OF IMPLYING THE EXTRAORDINARY
 REMEDY OF INJUNCTION," AND PLAINTIFFS
 LIKELIHOOD OF SUCCESS. *Id.* AT 18-23 (QUOTING
AMOCO PROD. CO. V. GAMBELL, 480 U.S. 531, 542
 (1987); *WEINBERGER V. ROMERO-BARCELLO*, 456
 U.S. 305, 312 (1982). AS LONG AS APPELLANT
 REMAINS IN THE OREGON DEPARTMENT OF CORRECTIONS
 ("S.P.C.I") OR ANY OTHER INSTITUTION IN ("O.D.C")
 HE IS LIKELY TO SUFFER IRREPARABLE HARM
 IN THE ABSENCE OF PRELIMINARY RELIEF AND/OR
 INJUNCTION. THE 9TH CIRCUIT PRESERVES CASES
 DE NOVO, AND A PARTY MOVING FOR PRECONSIDERATION
 MUST DEMONSTRATE THAT NEWLY DISCOVERED
 FACTS (TRIAL RECORD/WITNESS TESTIMONY, ETC.) EXISTS
 THAT REQUIRES CONSIDERATION, THAT THERE HAS BEEN
 AN INTERVENING CHANGE IN THE LAW, OR
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THAT THE COURTS HAVE OVERLOOKED AND
 THUS FAILED TO CONSIDER AN ASPECT OF
 THE LAW PRESENTED BY THE MOVING PARTY
 WHICH IF LEFT UNADDRESSSED WOULD RESULT
 IN A CLEAR ERROR OR CAUSE MANIFEST
 INJUSTICE; *VIRGIN ATL AIRWAYS, LTD
 V. NAT'L MEDICATION Bd.*, 956 F.2d 1245,
 1255 (2d Cir. 1992). ITS APPARENT ON THE
 FACE OF THE RECORD THAT DEFENDANTS -
 APPELLANTS WERE NOT IN COMPLIANCE WITH
 THE RULE OF LAW THAT CONTROLS PROTECTING
 PRISONERS FROM CONSTANT THREAT OF ASSAULTS
 FROM OTHER PRISONERS WHICH LEAD TO THEIR
 CONSECUTIVE ATTACKS. "JUDGMENT ON THE
 PLEADINGS IS PROPER WHEN THE MOVING PARTY
 CLEARLY ESTABLISHES ON THE FACE OF THE
 PLEADINGS THAT NO MATERIAL ISSUE OF FACT
 REMAINS TO BE RESOLVED AND THAT IT IS
 ENTITLED TO JUDGMENT AS A MATTER
 OF LAW." *HAL ROACH STUDIOS, INC. V.
 RICHARD FRISCH & Co., INC.*, 896 F.2d 1542,
 1550 (9th Cir. 1990). TO PREVAIL A PARTY MUST
 SHOW THERE IS NO GENUINE DISPUTE AS TO
 ANY MATERIAL FACT AND THAT THEY ARE
 ENTITLED TO JUDGMENT AS A MATTER
 OF LAW; *CALOTEX CORP. V. CATERTT*, 477 U.S.
 317, 323 (1986). OPPOSING COURSE'S ALLEGATIONS
 AS TO APPELLANT VERBALLY ATTACKING MEMBERS

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OF THE CRIMINAL ORGANIZATION IS FALSE/MISLEADING, INCORRECT, AND HEARSAY WHICH IS INADMISSIBLE. THE VIDEO FOOTAGE VERIFIES AND/OR REFUTES THAT APPELLANT WAS THE VICTIM NOT THE INVESTIGATOR AND/OR AGGRESSOR IN ANY OF THE ASSAULTS; ALSO PLEASE SEE PAPER [ECF #135]; FINDINGS AND RECOMMENDATIONS. IN ADDITION, THE RECORD REFUTES THAT THERE WAS NO VERBAL COMMUNICATION BETWEEN APPELLANT AND THE ASSAILANTS PRIOR TO ANY OF THE ATTACKS; [PLEASE SEE VIDEO FOOTAGE/EXHIBITS]. AFTER FEDERAL JUDGE; MARK D. CLARK, REVIEWED THE VIDEO FOOTAGE/EXHIBITS IN THIS CASE THE COURT FOUND THAT GROUNDED ISSUES OF MATERIAL FACT EXISTS REGARDING DEFENDANTS FAILURE TO PROTECT ARISING FROM ALL EVENTS INCLUDING THE ASSAULTS ON MARCH 3RD, 2018, AND JUNE 7TH, 2018. [SEE ECF #135 AND 157], ON PAPER WHICH WERE ISSUED; MARCH 25TH, 2021. AGAIN; IN THE COURTS FINDINGS AND RECOMMENDATION IT FOUND THAT APPELLANT WAS NOT THE INVESTIGATOR AND OR AGGRESSOR. IN ANY EVENT DEFENDANTS HAVE A SECURITY BASED POLICY AND PRACTICE TO PROTECT PRISONERS WHO POSSESS A THREAT TO THEIR SELVES OR OTHERS, AND FROM CONSTANT THREAT OF ASSAULT FROM OTHER INMATES.

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THE ANY EVENT DEFENDANTS KNEW OR SHOULD HAVE KNOWN OF IMMINENT DANGER TO APPELLANT.

1. DEFENDANT - Appellers, BOWSER, JONES, JACKSON, ANSBERRY, AND CHAMBERS-SMITH, AT ALL RELEVANT TIMES WERE EMPLOYED BY THE OREGON DEPARTMENT OF CORRECTIONS ("O.D.O.C.") WITH THE DUTY AND OBLIGATION TO OVERSEE OPERATIONS OF TWO PRISON CORRECTIONAL INSTITUTION ("P.C.I.") AND/OR THE OREGON DEPARTMENT OF CORRECTIONS ("O.D.O.C."). 2. DEFENDANTS - Appellers, BOWSER, JONES, JACKSON, ANSBERRY, AND CHAMBERS-SMITH, AT ALL RELEVANT TIMES WERE ACTING UNDER COLOR OF STATE/FEDERAL LAW. 3. AS A RESULT OF THE ATTACKS APPELLANT EXPERIENCED PHYSICAL TRAUMA, LACERATIONS, BRUISES, AND WAS SPRAYED WITH A CHEMICAL AGENT; [PLEASE SEE EXHIBITS 3: TOTAL TRANSCRIPTS FOR APPELLANT'S TESTIMONY].

4. PRIOR TO THE ATTACKS INFORMATION WAS PROVIDED BY CONFIDENTIAL INFORMANTS, THE SECURITY DATA BASE, AND THE GRIVANER SYSTEM, WHICH NOTIFIED DEFENDANTS OF IMMINENT DANGER OF PHYSICAL HARM TO APPELLANT BY A SECURITY THREAT GROUP.

5. THE FAILURE, AND REFUSAL OF DEFENDANTS - Appellers TO FOLLOW POLICY/PROTOCOL AND WITH APPELLANT BEING ATTACKED THREE CONSECUTIVE TIMES BY THE SAME CRIMINAL ORGANIZATION/SECURITY THREAT GROUP, WHICH CREATED AN UNDOUBTED RISK TO APPELLANT'S SAFETY, AND TO THE SAFETY, SECURITY, AND ORDERLY OPERATION OF THE PRISON FACILITY/O.D.O.C.; VIOLATING THE FEDERAL RICO ACT, [18 U.S.C. 85 1961-68]. 6. DEFENDANTS - Appellers, BOWSER, JONES, JACKSON, ANSBERRY, AND

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CHAMBERS-SMITH, VIOLATED THE U.S. CONSTITUTION BY REFUSING AND/OR FAILING TO PROTECT, AND BY FAILING AND/OR REFUSING TO FOLLOW POLICY.

7. DEFENDANTS HAVE A DUTY TO PROTECT PRISONERS FROM PHYSICAL/MENTAL ABUSE. 8. THOSE RIGHTS PROTECT APPELLANT FROM CONSTANT THREAT OF ASSAULT. 9. DEFENDANTS, BOWSER, JONES, JACKSON, AMSBERRY, AND CHAMBERS-SMITH, HAVE A DUTY TO SURVEIL HIGH RISK/HIGH ALERT PRISONERS AND TO BRIEF ONE THAT TAKES OVER MANAGEMENT. 10. DEFENDANTS - APPELLERS, BOWSER, JONES, JACKSON, AMSBERRY, AND CHAMBERS-SMITH, SET IN MOTION A SERIES OF EVENTS THAT THEY REASONABLY KNEW OR SHOULD HAVE KNOWN WOULD CAUSE A CONSTITUTIONAL VIOLATION; VIOLATING THE RICO ACT, [18 U.S.C. § 1961-68]. 11. THE FAILURE AND/OR REFUSAL TO ACT CONSTITUTES DELIBERATE INDIFFERENCE. 12. DEFENDANTS - APPELLERS, BOWSER, JONES, JACKSON, AMSBERRY, AND CHAMBERS-SMITH, OWE APPELLANT A DUTY OF REASONABLE CARE TO PROTECT HIM FROM ASSAULTS BY OTHER PRISONERS. 13. DEFENDANTS - APPELLERS, BREACHED THAT DUTY BY FAILING TO PROVIDE PROTECTION WHEN INFORMATION WAS PROVIDED BY CONFIDENTIAL INFORMANTS AND ENTERED INTO THE SECURITY THREAT SYSTEM WHICH NOTIFIED DEFENDANTS AND/OR "ANYONE IN LAW ENFORCEMENT" OF IMMINENT DANGER OF PHYSICAL HARM TO APPELLANT BY A CRIMINAL ORGANIZATION AND/OR SECURITY THREAT GROUP KNOWN AS THE "PISAS". THE U.S. DISTRICT COURT REPORTED THE DENYING APPELLANT RELIEF; [PLEASE APPELLANTS 50(b) MOTION].

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THE RECORD REFLECTS THAT DEFENDANT GREG JONES COMMITTED PERJURY AND WAS IMPRISONED; PLEASE SEE TRIAL TRANSCRIPTS (TR. 233-265) DEFENDANT JONES' MISLEADING TESTIMONY, WITNESS LAMIA MOORE'S TESTIMONY (TR. 190-198), DEFENDANT NAEMA CHAMBERLAIN-SMITH TESTIMONY (TR. 441-474), DOCUMENT # 29 PAGE 4 / AND ALL FOUR CORNERS OF THIS SUIT. THE ELEVENTH AMENDMENT DOES NOT BAR ACTION FOR DAMAGES AGAINST STATE OFFICIALS WHO ARE SUED IN THEIR INDIVIDUAL CAPACITY; *HAFER V. MELO*, 502 U.S. 21, 31 (1991). TO ESTABLISH THE REQUESTED CAUSAL CONNECTION IN THE ABSENCE OF PERSONAL INVOLVEMENT, A PLAINTIFF MUST SHOW THAT THE SUPERVISOR SET IN MOTION A SERIES OF ACTS BY OTHERS, OR KNOWINGLY REFUSED TO TERMINATE A SERIES OF ACTS BY OTHERS, WHICH THE SUPERVISOR KNEW OR REASONABLY SHOULD HAVE KNOWN WOULD CAUSE OTHERS TO INFLECT A CONSTITUTIONAL INJURY. *DUBNER V. CITY & COUNTY OF S.F.*, 266 F.3d 959, 968 (9TH CIR. 2001); *LARZ V. CITY OF L.A.*, 946 F.2d 630, 646 (9TH CIR. 1991). THE SERIES OF OUTRAGEOUS MISCONDUCT CAUSED APPELLANT TO BE WRONGFULLY CONFINED AND/OR WRONGFULLY IMPRISONED IN SOLITARY CONFINEMENT FOR A PROLONGED DURATION CAUSING EMOTIONAL DISTRESS / MENTAL AGONY, AND INJURY. THE FALSE IMPRISONMENT HAS FOUR ELEMENTS: (1) DEFENDANTS MUST CONFINED THE PLAINTIFF; (2) DEFENDANTS MUST INTEND THE ACT THAT CAUSES CONFINEMENT; (3) DEFENDANTS MUST BE AWARE OF THE CONFINEMENT; AND (4) THE CONFINEMENT MUST BE UNLAWFUL. THE RECORD REFLECTS THAT APPELLANT HAS PLAINED AND PROVED ALL ELEMENTS; FRD.R.C.V.P. 8(2).
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THE OUTRAGEOUS MISCONDUCT HAS AND CONTINUES TO ENTANGLE DEFENDANTS/OPPOSING COUNSEL IN A CONTINUUAL COURSE OF DECEPTION/LEGAL FRAUD VIOLATING THE FEDERAL RICO ACT, [18 U.S.C. 1961-68]. THE ADMINISTRATIVE ERRORS IN CLASSIFICATION IN WHICH THE PRISON PRETEXTS VERIFIERS THAT ALL ASSOCIATED PARTIES DID NOT PROTECT APPELLANT FROM CONSTANT THREAT OF ASSAULT FROM OTHER PRISONERS, A PRISON OFFICIAL VIOLATES HIS OR HER DUTY TO PROTECT A PRISONER IN CUSTODY "WHICH: (1) THE OFFICIALS ACT OR OMISSION, OBSTRUCTIVELY VIEWED, CAUSED 'A SUBSTANTIAL RISK OF SERIOUS HARM; AND (2) THE OFFICIAL WAS OBSTRUCTIVELY AWARE OF THAT RISK AND ACTED WITH 'DELIBERATE INDIFFERENCE TO [AN INCARCERATED PRISONER'S] HEALTH OR SAFETY.'" LEONARD V. PATRUS, 2023 WL 387035, AT *2 (9TH CIR. JAN. 10, 2023) (QUOTING FARMER V. BRENNAN, 511 U.S. 825, 839-40 (1994)). "THE OBSTRUCTIVE COMPONENT TO THIS CLAIM REQUIRES A PLAINTIFF TO PLAUSIBLY ALLEG THAT IT IS 'CONTRARY TO CURRENT STANDARDS OF DECENCY FOR ANYONE TO BE ... EXPOSED AGAINST HIS WILL TO THE RELEVANT HAZARD.'" HAMPTON V. CAL, 83 F. 4TH 754, 766 (9TH CIR. 2023) (QUOTING HELLING V. MCKENNEY, 509 U.S. 25, 35 (1993)). THE JURY/COURT RANDED IN DENYING APPELLANT PRERIT. THIS COURT REVERSES DE NOVO THE DISTRICT COURT'S CONCLUSION. DATED THIS 6TH DAY OF JUNE 2025.


 PRISONER - APPELLANT
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